

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - FORT WORTH DIVISION**

KEITH BELL,
Plaintiff,

v.

**EAGLE MOUNTAIN SAGINAW
INDEPENDENT SCHOOL DISTRICT**
Defendant.

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Civil Action No. 4:20-cv-1157-P

**PLAINTIFF'S RESPONSE TO DEFENDANT'S EAGLE MOUNTAIN-SAGINAW
INDEPENDENT SCHOOL DISTRICT'S MOTION FOR ATTORNEYS' FEES**

COMES NOW Keith Bell ("Plaintiff") to respond to Eagle Mountain Saginaw Independent School District's ("Defendant" or "District") *Motion for Attorneys' Fees* ("Motion").

1. Though the Court ruled that Plaintiff's infringement claim should be dismissed, the Court made no finding that the copyright was invalid, but only that the infringement claim in this case was insufficient to overcome a Fair Use defense.
2. The Defendants' argue that Plaintiff is in the business of litigation, but the Plaintiff had a valid copyright before this case, and he has one today; the Defendant prevailed, not by showing it was not infringing, but by using a fair use defense.
3. Defendant did not request or attempt to invalidate Plaintiff's copyright registration. If the registration was weak, then in all these suits, one might think that a threat to invalidate the copyright's registration would be filed.
4. The Declaration of Dr. Keith Bell is attached post-signature as testimony on this matter, incorporated herein by reference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Dr. Keith Bell respectfully prays this Court deny Defendant Eagle Mountain Saginaw Independent School District's Motion to Dismiss and award all relief to Plaintiff that the Court deems appropriate

/s/Warren Norred

Norred Law, PLLC; 515 E. Border; Arlington, Texas 76010
817:704-3984 office; 817.524.6686 fax

I certify that I served this response on April 9, 2021, by the Court's ECF system to all counsel of record through her registered email.

/s/Warren Norred

Declaration (TEX. CIV. PRAC. & REM. CODE § 132.001)

“My name is Dr. Keith Bell, I am over 18 years of age and my contact address is 3101 Mistyglen Circle, Austin, TX 78476. I declare under penalty of perjury that the following statements are true and correct.”

1. On October 22, 2020, I filed suit against Eagle Mountain Saginaw ISD seeking financial remedies from the District for infringement of copyright for the passage “Winning Isn’t Normal” in which the District infringed by copying the near entire passage as I stated in my pleadings.
2. I have used the passage and the phrase “winning isn’t normal” for almost four decades. No one used the passage or the phrase in the way that I did, and it was commercially valuable as inspiration to facilitate action for outperforming the competition and winning.
3. I have found that, irrespective of my wishes, I have had to protect my property rights by suing those who have decided that my work can be used at will. If someone thinks that my copyright had no value, then they could ask the court for the remedy of second-guessing the United States Copyright Act. But that has not happened.
4. Based on those above facts, I brought the suit in good faith, so that justice might be done.

Executed in Travis County, Texas on April 9, 2021.

A handwritten signature in cursive script that reads "Keith Bell".

Dr. Keith Bell